



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------|------------------------|---|-----------|-----------|
| Applicant: | Douglas Scheffer |) | Art Unit: | 3722 |
| Serial No. | 10/619,016 |) | Examiner: | Dana Ross |
| Filed: | July 11, 2003 |) | Cust. No. | 22931 |
| For: | PIPE BEVELING TOOL AND |) | Attorney | |
| | METHOD |) | Ref. No.: | P114464 |

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, PO Box 1450, Alexandria VA 22313-1450, on date shown below.

December 13, 2005

Date

Stephanie Brown

**PETITION TO RESET TIME PERIOD FOR LATE RECEIPT OF NOTICE OF
NONCOMPLIANT AMENDMENT**

Sir:

By way of background, a response to the present application responding to a Restriction Requirement and providing a Preliminary Amendment was mailed July 28, 2005. A Notice of Noncompliant Amendment, a copy of which is attached herewith, was apparently mailed October 2, 2005. However, our office did not receive this piece in correspondence until November 28, 2005.

Our office has a fairly structured protocol for receiving mail and one individual sorts through all of the mail for purposes of docketing and distribution. As you can see in the lower left-hand portion of the cover page of the Notice of Noncompliant Amendment, the piece in correspondence is stamped November 28, 2005. I spoke with examiner Dana Ross today regarding the matter and he directed me to section 710.06 of the MPEP regarding petitions to reset a period for reply due on late receipt of an office action.

It is not our office procedure to keep a copy of the envelope which the Patent and Trademark Office correspondence was received in. Further, the requirement in Section A is within two weeks of date of receipt of the office action. As of today, the date is two

weeks and one day. However, it would be greatly appreciated if this amendment could be considered timely given I have just recently reviewed this matter this last week due to the December holiday season. In addition, Carole Petralli from our office left a detailed message regarding this matter with Examiner Supervisor Derris Banks on November 29, 2005, shortly after we received the Notice of Noncompliant Amendment.

Enclosed herewith is a revised amendment with the corrections pursuant to the revised amendment practice.

Acceptance of this petition would be greatly appreciated by the Applicant's attorney for this is a rather unique situation in that for whatever reason, correspondence from the Patent and Trademark Office reached our office in such a delayed manner. Although we are not squarely within the two-week deadline for receipt of the Office Action at the correspondence address, effectively, by the time I received it on my desk, it was within a two-week window. I understand the Patent and Trademark Office requires this matter of resetting a late fee to be handled rather expeditiously, and I can assure the Patent and Trademark Office that we have attempted to address this matter in an expeditious manner, and resetting the period for the Office Action which is enclosed herewith without paying a three-month extension would be greatly appreciated. The amended Office Action is enclosed herewith to aid in expediting the prosecution of the present case.

If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's undersigned attorney can normally be reached at the telephone number set forth below.

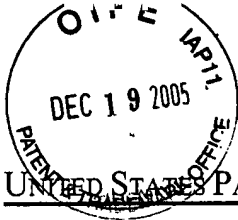
Signed at Bellingham, County of Whatcom, State of Washington this December 13, 2005.

Respectfully submitted,
DOUGLAS SCHEFFER,

By 

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/619,016 | 07/11/2003 | Douglas Scheffer | P114464 | 6032 |

22931 7590 08/02/2005

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BELLINGHAM, WA 98226-5583

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|----------|
| EXAMINER |
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ROSS, DANA

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3722

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

31039 9/02/2005 Response Due
31039 12/02/2005 Response Due (2nd Ext)

NOV 28 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

10619016
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20503
www.uspto.gov

Paper No.

7-28-05
Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claims need to be on separate sheets

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)